IN THE HIGH COURT OF JUDICATURE OF BOMBAY

APPELLATE SIDE

CIVIL REVISION APPLICATION NO.239 OF 2003

Ulhasnagar Municipal Corporation .. Applicant

versus

Shri Shiv Shakti Builders &

Developers .. Respondent

...

Mr.Vijay Patil for the applicant.

Ms.Gauri Godse for the respondent.

CORAM : D.G. KARNIK, J

DATED : 13th April 2007.

P.C.:

1. Heard learned counsel for the parties.

2. By this Application, revision applicant challenges the order dated 17th February 2003 passed

by the learned Civil Judge, Sr. Division, Kalyan rejecting the application made by the revision applicant under section 9A of the Code of Civil Procedure and rejecting the revision applicant's contention that it had no jurisdiction and try the suit.

3. In Solapur Social Urban Co-operative Bank Ltd. Vs. Nigam A. Mannan Beskar & ors. reported in 2006(4) Bom.C.R. 217, I have held that section 9A of the Code of Civil Procedure stands repealed by reason of the Code of Civil Procedure (Amendment) Act 1999 Central Act 46 of 1999 and the Code of Civil Procedure (Amendment) Act, 2002 (Central Act 22 of 2002).

4. As the Maharashtra Amendment introducing section 9A of the Code of Civil Procedure itself stood repealed, application under section 9A of the C.P.C itself was not maintainable. In the circumstances, there is no merit in the Revision Application which is accordingly dismissed.

(D.G. KARNIK, J)